

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

3:05-cv-507

BARRY W. THOMAS,  
Plaintiff,

v.

LEVEL 3 COMMUNICATIONS, LLC, a  
Delaware limited liability company;  
NETGEAR, INC., a California  
corporation; D-LINK SYSTEMS, INC., a  
California corporation; CISCO  
SYSTEMS, INC., a California  
corporation; AVAYA INC., a Delaware  
corporation; and VONGAGE  
AMERICA INC., a Delaware  
corporation,  
Defendants.

ORDER

**THIS MATTER** is before the Court pursuant to the Agreed Motion to Dismiss with Prejudice (Doc. No. 93) filed by Barry W. Thomas ("Thomas") and Netgear, Inc. ("Netgear").

**THEREFORE, IT IS HEREBY ORDERED** that:

1. the parties' motion is **GRANTED**;
2. all claims made by Thomas against Netgear and all claims made by Netgear against Thomas are hereby **DISMISSED WITH PREJUDICE**; and
3. all costs and expenses relating to this litigation (including attorney and expert fees and expenses) shall be borne solely by the party incurring the fees and expenses.

Signed: March 27, 2009



Robert J. Conrad, Jr.  
Chief United States District Judge

